

Notice of Allowability

Application No.

09/533,463

Examiner

Viet Vu

Applicant(s)

PFEFFER ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 7/16/04.
2. ☒ The allowed claim(s) is/are 1,3-8,12,14-19 and 28.
3. ☒ The drawings filed on 23 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2154

Examiner's Amendment:

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this examiner's amendment is given by Mr. Pontius via telephone on September 14, 2004.

2. The application has been amended as set forth in the attached appendix.

Reason for Allowance:

3. The following is an examiner's statement of reasons for allowance:

Claims 1, 3-8, 12, 14-19 and 28 are allowed over prior arts of record because the arts of record fail to teach or suggest a the use of a proxy server for preventing the mail server from being flooded with rapid requests for checking new mails by mail clients.

Art Unit: 2154

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Vu whose telephone number is (703) 305-9597.



VIET D. VU
PRIMARY EXAMINER

V. Vu
9/14/04

Art Unit: 2154

Appendix

Claim 1: *(Currently Amended)* A method of moderating traffic load on network servers in a network where electronic mail is retained for retrieval from at least one mail server, the method comprising:

 permitting a mail request checking for new email for a mail client to pass through a proxy server to the mail server; and

 attenuating subsequent mail requests checking for new email for the mail client at the proxy server until a predetermined condition has been satisfied, wherein the predetermined condition is a predetermined period of time or a predetermined number of mail requests being attenuated.

Claim 2: *(Canceled)*.

Claim 3: *(Currently Amended)* The method of claim 2 1, wherein the predetermined period of time is dynamically determined based on the amount of traffic load on the network.

Claim 4: *(Currently Amended)* The method of claim 1, wherein the predetermined condition is a combination of a of the predetermined time period and receipt of a notification from the

Art Unit: 2154

mail server that mail has been received for the mail client at the mail server, whichever occurs first.

Claim 5: *(Original)* The method of claim 4, wherein the predetermined period of time is dynamically determined based on the amount of traffic load on the network.

Claim 6: *(Previously Presented)* A method of moderating traffic load on network servers in a network where electronic mail is retained for retrieval from at least one mail server, the method comprising:

 permitting a mail request for a mail client to pass through a proxy server to the mail server; and

 attenuating subsequent mail requests for the mail client at the proxy server until a predetermined condition has been satisfied, wherein attenuating subsequent mail requests is suspended in the event it is determined that a user is manually initiating rapidly repeated mail requests.

Claim 7: *(Original)* The method of claim 1, wherein attenuating includes blocking the subsequent mail requests from transmission across the network to the mail server.

Claim 8: *(Original)* The method of claim 1, wherein the predetermined condition is independent of time.

Art Unit: 2154

Claims 9-11: *(Canceled)*.

Claim 12: *(Currently Amended)* A proxy server for use in a network where electronic mail is retained for retrieval from at least one mail server, the proxy server comprising:

a processor, and

a memory including software instructions adapted to enable the proxy server to perform the steps of:

permitting a mail request checking for new email for a

mail client to pass through the proxy server to the

mail server; and

attenuating subsequent mail requests checking for new

email for the mail client at the proxy server until a

predetermined condition has been satisfied, wherein

the predetermined condition is a predetermined period

of time or a predetermined number of mail requests

being attenuated.

Claim 13: *(Canceled)*.

Claim 14: *(Currently Amended)* The proxy server of claim 13 12,

wherein the predetermined period of time is dynamically

determined based on the amount of traffic load on the network.

Art Unit: 2154

Claim 15: *(Currently Amended)* The proxy server of claim 12, wherein the predetermined condition is a combination ~~of a of the~~ predetermined time period and receipt of a notification from the mail server that mail has been received for the mail client at the mail server, whichever occurs first.

Claim 16: *(Original)* The proxy server of claim 15, wherein the predetermined period of time is dynamically determined based on the amount of traffic load on the network.

Claim 17: *(Previously Presented)* A proxy server for use in a network where electronic mail is retained for retrieval from at least one mail server, the proxy server comprising:

a processor, and

a memory including software instructions adapted to enable the proxy server to perform the steps of:

permitting a mail request for a mail client to pass

through the proxy server to the mail server; and

attenuating subsequent mail requests for the mail client

at the proxy server until a predetermined condition

has been satisfied, wherein attenuating subsequent

mail requests is suspended in the event it is

determined that a user is manually initiating rapidly

repeated mail requests.

Art Unit: 2154

Claim 18: *(Original)* The proxy server of claim 12, wherein attenuating includes blocking the subsequent mail requests from transmission across the network to the mail server.

Claim 19: *(Original)* The proxy server of claim 12, wherein the predetermined condition is independent of time.

Claims 20-27: *(Canceled)*.

Claim 28: *(Currently Amended)* A network comprising:

at least one mail server where electronic mail is retained for retrieval by mail clients;

a plurality of proxy servers distributed about the network;

wherein each of the proxy servers comprises:

a processor, and

a memory including software instructions adapted to

enable the proxy server to perform the steps of:

permitting a mail request checking for new email for

a mail client to pass through the proxy server to

the mail server; and

attenuating subsequent mail requests checking for

new email for the mail client at the proxy server

until a predetermined condition has been

satisfied, wherein the predetermined condition is

Art Unit: 2154

a predetermined period of time or a predetermined
number of mail requests being attenuated.

Claims 29-32: (Canceled).